



Robert F. Sullivan  
Mayor

# CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CECD  
Director

## MINUTES

February 19, 2025 – 6:30 PM

Acting Chair Ruby Clay called the February 19, 2025 meeting of the Brockton Conservation Commission to order and read the following statement: “The meeting is being conducted remotely in accordance with Governor Healey’s Open Meeting provisions updated in March of 2023 which extended certain Covid-19 provisions until March 31, 2025. Real-time public participation and comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software for remote access. If you wish to comment during the public input portion of the hearing, please use the 'raise your hand' function to be addressed at the appropriate time. For those of you joining by phone only, please press ‘\*9’ and raise your hand. A copy of this recording will be on the City’s webpage. Please note that this is a professional meeting, should disrespectful or inappropriate statements be made during the meeting, the host reserves the right to mute the speaker. All votes taken during this meeting will be done by a roll call vote to ensure count accuracy.”

The following members were confirmed to be in attendance by roll call: Peggy Curtis, Lily Green, Shareefah Mapp, Justin Talbot, and Ruby Clay - Acting Chair, and Conservation Agent Kyle Holden was also present.

**NOTE - Agenda Item Withdrawn at Applicant’s Request**

17. **Notice of Intent**  
**Property: 105 Debbie Road Extension**  
**Project: New Home Construction**  
**Representative: J.K. Holmgren Engineering**

**NOTE - Agenda Items Continued to the March 19, 2025 Meeting**

5. **Request for Certificate of Compliance**  
**Property: 710 Oak Street**  
**Project: Carwash Construction**  
**Representative:**
  
8. **Notice of Intent**  
**Property: 940 Belmont Street**  
**Project: VA Hospital Stormwater Improvements**  
**Representative: T. Reynolds Engineering**

9. **Notice of Intent**  
**Property: 549 Copeland Street**  
**Project: Subdivision Roadway Construction**  
**Representative: J.K. Holmgren Engineering, LLC**
  
10. **Notice of Intent**  
**Property: 30 Intervale Street**  
**Project: 28-unit Residential Building Conversion**  
**Representative: PMP Consulting, Inc.**
  
11. **Notice of Intent**  
**Property: 0 Lawton Avenue**  
**Project: New Home Construction**  
**Representative: J.K. Holmgren Engineering, LLC**
  
12. **Notice of Intent**  
**Property: 136 Perkins Avenue**  
**Project: 2 Family Home Construction**  
**Representative: J.K. Holmgren Engineering**
  
14. **Notice of Intent**  
**Property: 50 Christy's Drive**  
**Project: Hotel Expansion**  
**Representative: J.K. Holmgren Engineering**
  
15. **Notice of Intent**  
**Property: 196 Manley Street**  
**Project: Equipment East - Deviations from 2019 Order of Conditions**  
**Representative: J.K. Holmgren Engineering, LLC**
  
20. **Amended Order of Conditions**  
**Property: 159 Torrey Street**  
**Project: Solar Array Installation**  
**Representative: NextGrid**

NOTE - Agenda Item **Continued** to the April 16, 2025 Meeting

21. **Request for Determination of Applicability**  
**Property: 700 Oak Street**  
**Project: Parking Lot Improvements**  
**Representative: Bohler Engineering**

#### **COMMISSION MATTERS**

1. **Meeting Minutes – January 28, 2025**

**Postponed to the March 19th, 2025 meeting.**

## 2. Meeting Minutes – January 29, 2025

**Postponed to the March 19th, 2025 meeting.**

## 3. Conservation Markers

The Commission discussed standardizing the type of conservation markers required for subdivision developments, particularly in the case of Mia Meadows. Agent Holden presented various options, including pressure-treated lumber, granite bounds, PVC markers, and split-rail fencing, emphasizing considerations such as visibility, durability, aesthetics, and cost. Commissioner Curtis inquired about the cost of granite markers, with Holden acknowledging they would be the most expensive option. Chair Clay suggested maintaining consistency by requiring granite markers for subdivisions, given their prior approval at Heritage Court. Commissioner Talbot supported this, emphasizing granite's longevity and questioning the additional burden on developers. The Commission also considered alternative solutions for non-subdivision projects, with Holden explaining that decisions should be made on a case-by-case basis. The Commission decided to require granite markers for subdivisions while allowing flexibility for other types of projects.

## 4. Permanent Stabilization

The Commission had a thorough discussion on what constitutes 'permanent stabilization', which is the verbiage included in the Commission's Order of Conditions and the standard needed to be met to receive a Certificate of Compliance. Agent Holden referenced guidance from the Massachusetts Association of Conservation Commissioners and the Massachusetts Erosion and Sediment Control Guidelines. Mr. Holden read selected passages and recommended vegetative cover over other methods like mulch or gravel, due to its self-healing nature, erosion control benefits, and role in filtering pollutants before they reach sensitive resource areas. Commissioner Green supported this by pointing out that mulch is more of a temporary measure, particularly useful after seeding. Chair Clay acknowledged the importance of consistency in stabilization efforts, and Commissioner Curtis emphasized that areas within the 25-foot buffer should require proven vegetative cover as a permanent solution.

## Third-party Peer Review Update

Agent Holden provided an update on the City's new procurement process for third-party peer reviews, which will now involve three pre-approved firms: STV Incorporated, Pare Corporation, and Weston & Sampson. The process involves each firm submitting a scope of work and fee estimate within ten days of project referral. The Commission is then responsible for reviewing the proposals before sending them to the applicant for selection and funding. To expedite approvals, Commissioner Clay suggested designating the Conservation Agent to review and approve the scope and fee documents before they are sent to applicants, rather than waiting for the next Commission meeting.

**A motion was made (Clay) and seconded (Curtis) to authorize the Conservation Agent to review and approve the scope and fee documents on behalf of the Commission. Motion passed by unanimous vote.**

## **NEW FILINGS**

- 6. Request for Determination of Applicability**  
**Property: 85 Oak Hill Way**  
**Project: Commercial Expansion**  
**Representative: J.K. Holmgren Engineering**

Scott Faria of J.K. Holmgren Engineering presented a Request for Determination of Applicability (RDA) for 85 Oak Hill Way, a warehouse facility for Vicente's Supermarkets. The proposed expansion falls within the 100-foot buffer zone due to a wetland across the street but does not involve direct contact. Agent Holden concurred that the project would not affect the resource area, recommending a negative determination with the condition that the wetland delineation is not confirmed. He noted that stormwater review would still be conducted by other city departments.

**A motion was made (Curtis) and seconded (Green) to close the hearing for 85 Oak Hill Way. Motion passed by unanimous vote.**

**A motion was made (Curtis) and seconded (Talbot) to issue the Negative 3 Determination for 85 Oak Hill Way, with special conditions outlined by Agent Holden. Motion passed by unanimous vote.**

## **CURRENT FILINGS**

- 7. Notice of Intent**  
**Property: 82 Ames Street**  
**Project: Parking Lot Construction and Riverfront Restoration**  
**Representative: River Hawk Environmental, LLC**

**A motion was made (Green) and seconded (Curtis) to continue the 82 Ames Street hearing to the March 19, 2025 meeting. Motion passed by unanimous vote.**

- 13. Abbreviated Notice of Resource Area Delineation**  
**Property: 0 Hammond Street**  
**Representative: W Engineering, LLC**

**A motion was made (Clay) and seconded (Curtis) to continue the 0 Hammond Street hearing to the March 19, 2025 meeting. Motion passed by unanimous vote.**

- 16. Notice of Intent**  
**Property: 91 Debbie Road Extension**  
**Project: New Home Construction**  
**Representative: J.K. Holmgren Engineering**

Scott Faria with J.K. Holmgren Engineering presented the Notice of Intent Application for 91 Debbie Road Extension. Agent Holden provided an update on the project, addressing

revisions previously requested by the Commission. These included relocating the concrete washout area outside the 100-foot buffer zone and submitting a Buffer Zone Enhancement Plan to restore an area within the 25-foot buffer that currently contains a pile of historic fill. As part of construction, this fill will be removed, and the area will be restored to create a clear delineation between the lawn and the buffer zone. Conservation markers will be placed along the 25-foot buffer. Scott Faria confirmed that the updated plans reflect these changes. He described the restoration process, which involves installing a silt sock behind the pile, removing the fill, and then placing the silt sock in front of the 25-foot buffer before proceeding with the buffer zone enhancement as outlined in the plan. The restored area will be stabilized before the erosion controls are removed.

Agent Holden clarified that existing erosion controls, installed during the subdivision development, should remain in place until restoration is complete. The Buffer Zone Enhancement Plan, prepared by Five Wetlands, includes plantings of red oak, white pine, witch hazel, and dogwood, totaling 20 plantings, and will be supplemented with a conservation seed mix for ground cover. Faria estimated that plantings would likely occur in the fall rather than spring, depending on construction progress. The Commission discussed the placement of conservation markers, agreeing that granite bounds with signage would be installed along the 25-foot buffer zone at a consistent spacing of 25 feet, in line with prior approvals for similar developments. Agent Holden outlined the special conditions for the Order of Conditions, including requirements for infiltration system testing, sump pump discharge regulations, pesticide and herbicide restrictions, the necessity for explicit Commission approval for any future auxiliary structures within the 50-foot buffer, and monitoring requirements for the Buffer Zone Enhancement Area.

**A motion was made (Curtis) and seconded (Mapp) to close the hearing for 91 Debbie Road Extension. Motion passed by unanimous vote.**

**A motion was made (Curtis) and seconded (Green) to issue an Order of Conditions for 91 Debbie Road Extension, with the special conditions listed by Agent Holden. Motion passed by unanimous vote.**

**18. Request for Certificate of Compliance**  
**Property: 1854 Main Street**  
**Project: New Building Construction**  
**Representative: J.K. Holmgren Engineering**

Scott Faria with J.K. Holmgren Engineering presented a Request for Certificate of Compliance for 1854 Main Street. Faria provided an update regarding the project, noting that the site was in good condition overall, with two remaining issues from the previous meeting: a broken pipe that needed to be replaced and the need for better stabilization around the detention basin. Mr. Faria confirmed that both issues had been addressed—the applicant had repaired the pipe and installed sod around the basin's perimeter to improve coverage. Agent Holden has visited the site and confirmed that the sod was installed just before snowfall and that the pipe had been properly repaired. He reviewed photos sent by the applicant, as well as those he took during his site visit, and found the work to be satisfactory. The photos showed the newly sodded areas around the

retention basins and the repaired pipe. The sod now extends across previously bare sections, ensuring better stabilization. Holden recommended issuing a Certificate of Compliance for 1854 Main Street, noting that the only ongoing condition is a restriction on herbicide and pesticide use in perpetuity.

Agent Holden also provided an update regarding concerns about a possible violation at 1824 Main Street, located directly north of 1854 Main Street and owned by the same entity. Last month, the Commission discussed whether a wetland had been filled in that area, particularly near the Salisbury Plain River, and whether any fill had been added within the Bordering Land Subject to Flooding. Over the past month, Agent Holden collaborated with Scott Faria and the applicant, reviewing old maps, elevation data, and site surveys. The findings confirmed that no fill had been added within the jurisdictional area of the Bordering Land Subject to Flooding. Additionally, two separate wetland specialists had conducted delineations on the property over the past few years and found no evidence of bordering vegetated wetlands in the area where fill was placed. Based on these findings, Holden stated that no violations had occurred and recommended that the Commission not pursue any enforcement action for the property. Chair Clay acknowledged the update and thanked Holden for his work.

**A motion was made (Curtis) and seconded (Green) to issue a Certificate of Compliance for 1854 Main Street. Motion passed by unanimous vote.**

**19. Request for Amended Order of Conditions**

**Property: 135 Elliot Street**

**Project: Townhouse Construction**

**Representative: J.K. Holmgren Engineering**

Scott Faria with J.K Holmgren Engineering presented a Request for Amended Order of Conditions for 135 Elliot Street. The original project, approved four years ago, proposed constructing townhouses in front of an existing warehouse. However, an issue with an existing gas service line prevented the originally planned layout, leading to a revised design. The updated plan reduces the building footprint by creating a three-story structure, thereby moving most of the development outside the 100-foot buffer zone. Additionally, the overall impervious area has been reduced by eliminating a sidewalk and reducing the parking area. The proposed drainage system was also expanded to increase storage capacity.

Agent Holden reviewed the revisions and agreed that the proposed amendments do not introduce any new impacts on jurisdictional resource areas. He noted that minor plan omissions from the previous submission had been corrected, including the addition of a limit-of-work bounds to access the compensatory storage/restoration area. Holden also investigated concerns regarding a bioretention area and sediment forebay referenced in earlier documentation associated with the original Order of Conditions but confirmed that Beta had recommended their removal during one stage of their peer review. Mr. Holden pointed out that while he would have preferred to see final elevations included on the compensatory storage area plan, they were correctly documented on the grading and drainage plan. He recommended issuing the amended order of conditions without additional special conditions, as existing conditions already cover monitoring and compliance.

**A motion was made (Curtis) and seconded (Green) to close the hearing for 135 Elliot Street.**

**Motion passed by unanimous vote.**

**A motion was made (Curtis) and seconded (Green) to issue an Amended Order of Conditions.**

**Motion passed by unanimous vote.**

**22. Request for Certificate of Compliance**

**Property: Arthur Estates – Arthur Street Extension (SE 118-0806)**

**Project: Road Extension and Buffer Zone Restoration**

**Representative: JDE Civil, Inc.**

Agent Holden addressed the previous meeting's inconclusive discussion regarding the project's request for a Certificate of Compliance. He explained that since the last meeting, all Commission members had visited the site. During one of the recent site visits, Agent Holden measured the area of wood chips and mixed stone material (inclusive of crushed brick, stone, and concrete) within the Buffer Zone and found that approximately 1000-square feet of unpermitted alterations had been made to the Buffer Zone. Agent Holden noted that these changes were not part of the approved Plan of Record and were never authorized by the Commission. He explained that small modifications to the plan are sometimes allowed after the fact, but these changes are supposed to be documented by the applicant through an affidavit submitted with their Certificate of Compliance request. In contrast, if changes are substantial the Commission may require the applicant to submit a request to Amend the Order of Conditions or potentially require the filing of a new Notice of Intent.

Agent Holden recommended that the areas with wood chips and stone be replaced with vegetation, such as grass, to properly stabilize the site. He highlighted the importance of stabilization due to past erosion issues in the area, referencing an Enforcement Order issued the previous year. He also pointed out areas that were disturbed during the construction of the roadway but were not seeded, particularly a gravelly section near a construction fence on the north side of the curb. Chair Clay agreed with Agent Holden's recommendation, stating that grass or other vegetation should be planted in the affected areas to match the adjacent sodded sections. She suggested that planting would help stabilize the site and provide a consistent appearance across the whole project. Commissioner Green added that during the site visit, she was surprised by the extent of the affected area, especially the wood chip area, and agreed that these areas should be seeded to stabilize them. She also mentioned the section between the buffer zone restoration area and the 25-foot buffer zone itself, which should also be addressed to ensure full stabilization.

Commissioner Mapp echoed these concerns, noting that parts of the site weren't seeded during an earlier visit, particularly around the stone gravel area, and she agrees with the need for stabilization in these areas. Commissioner Curtis discussed the use of wood chips, mentioning that they are not a permanent solution since they break down over time, further supporting the recommendation for grass or other vegetation. Commissioner Talbot concurred, pointing out that while wood chips look good initially, they are not a permanent fix. He suggested that grass can be planted instead, allowing it to grow in and become a permanent solution.

Agent Holden agrees that seeding would be a better option and reminds the Commission that sodding was used in a previously discussed project (1854 Main Street) due to time constraints of the applicant. Holden emphasized that seeding in the spring is more practical but encouraged the Commission to be consistent in their requirements from project to project. Chair Clay then brings up the need for erosion controls to be removed once the site is stabilized. Agent Holden confirms this is standard language



included in all of Brockton's Order of Conditions and suggests that after a site visit confirms stabilization, the agent can authorize the removal of the erosion controls.

In response to the Chair's inquiry about moving forward, the Commission agreed that the applicant should reapply for a Certificate of Compliance after addressing the required conditions, including planting vegetation in the disturbed areas. This will ensure that the site is stabilized before erosion controls are removed and the certificate is issued.

Neither the applicants or their representatives were in attendance at the meeting.

**A motion was made (Clay) and seconded (Curtis) to deny the request for a Certificate of Compliance. Motion passed by unanimous vote.**

### **VIOLATION DISCUSSION**

#### **23. 0 West Chestnut Street (Parcel ID: 023-005 and 023-005R)**

**AKA: Meadow Woods/Patricia's Path/Matt Flaherty Way**

**DEP File No. SE 118-0712**

Agent Holden provided an update to the Commission on a violation related to a property at 0 West Chestnut Street. He explains that a Notice of Violation was issued on January 6th after he observed discrepancies between what was constructed on-site and the approved plan under a 2017 Order of Conditions. Specifically, two issues were noted: a sign displaying and the incorrect MassDEP Filing Number and the installation of an unapproved outlet in the wetland crossing. Agent Holden discussed the first issue, the incorrect sign, noting that the property owner had claimed the sign was correctly installed, but it was found to be on the wrong street and location. Holden mentioned that he hasn't been able to confirm if the conflicting sign had been removed or covered but plans to check before the next meeting.

Regarding the second issue, the wetland crossing outlet, Holden explained that while the wetland crossing itself has been mostly completed, the outlet installation was not part of the approved plan. Although the property owner's engineer suggested that the outlet was added based on a recommendation from the Commission's third-party reviewer, Holden stressed that any changes to the approved plan must go through the proper approval process which would require that the applicant file for an amended Order of Conditions or submit a new Notice of Intent filing. Agent Holden mentioned that he has been in communication with various parties involved with the property and has seen several sets of paper plans that include the outlet but has yet to receive the As-Built/current conditions plan that was requested in the Notice of Violation. The Commission cannot make a determination about any necessary next steps without clear information. Holden suggests sending another letter to the property owner, requiring their attendance at the March meeting and submission of an "as-built" plan by March 5th.

Commissioner Curtis asked if the property owner has been working on the property during this process. Holden clarified that the work approved by the Commission in the Order of Conditions involves the wetland crossing and replication areas, but there is no road or subdivision currently under development.



Commissioner Green agrees with Holden's suggestion to send the follow-up letter and emphasized the importance of understanding the outlet issue sooner rather than later. Holden concluded

by suggesting a follow-up letter with clear deadlines for both the submission of documents and the property owner's attendance at the March meeting, warning that failure to comply could result in escalation to an Enforcement Order.

### *Public Comment*

*Lynda Lynch, a resident living next to the project at 0 West Chestnut Street*, addressed the Commission. She raises several points for the Commission to consider. First, she mentions that while it's winter, construction work has been ongoing at the site for years, with trucks and heavy construction equipment regularly moving in and out, along with dirt piles. This has created the appearance of a business operating at the site.

She also mentioned a legal matter involving an easement and crossing that occurred after the 2017 Order of Conditions, which she believes took place around 2020, when the property owner sued the City of Brockton. Although she doesn't have all the details, she suggests that the Commission look into this matter further. Lynda points out that the property owner has been shifting paper plans during meetings, and there have been inconsistencies in the project's paperwork. She emphasized that the situation is more complex than it may appear on the surface and expressed her appreciation for the Commission's deeper investigation into the matter. She spoke on behalf of many of her neighbors, urging the Commission to be thorough in its review.

*Pat Jacobsen, a trustee of the Chestnut Woods Homeowners Association*, addresses the Commission regarding concerns over water being diverted into the wetlands adjacent to the property. She asked Agent Holden if there is evidence of such diversion, particularly as it may affect their property. Mr. Holden responded that he had visited the wetland crossing site briefly and had not observed any water flowing through unpermitted infrastructure. He suggested that the Commission may want to review the as-built plans to confirm the situation. Pat Jacobsen then commented that the development has been ongoing for years, with frequent changes to plans and no approval for a road or subdivision. She expressed concern about the potential for the situation to drag on for another two years and requested that the Commission establish a clear timeframe for resolving the issue, either by ensuring compliance or halting the violations. She urged the Commission to verify all details thoroughly, given the complexity of the situation and the delicate water system in the area.

Agent Holden explained that the Commission's Orders of Conditions are typically valid for three years, with extensions granted in this case due to special circumstances, including a COVID-related tolling extension. He further clarified that there is no legal requirement for the applicant to carry out the work under the permit if there is no harm to the wetland resource area. He emphasized that the Commission cannot compel work to be completed if it is not causing harm. Lynda Lynch briefly added that she agrees with Pat's concerns and suggested that the project's ultimate goal may be to build in West Bridgewater, rather than in Brockton, which has led to confusion and an appearance of lack of transparency in the process. She urged the Commission to be aware of the larger context and ongoing attempts to move the development forward in West Bridgewater.

**A motion was made (Clay) and seconded (Curtis) to adjourn the meeting. Motion passed by**

**unanimous vote.**